UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re Application of CITY OF ALMATY for Order to Take Discovery Pursuant to 28 U.S.C. § 1782	Misc. Case No. 16-109

EX PARTE APPLICATION FOR ORDER
TO TAKE DISCOVERY PURSUANT TO 28 U.S.C. § 1782

Pursuant to 28 U.S.C. 1782 ("Section 1782"), the City of Almaty ("Almaty") hereby applies *ex parte* to this Court for an order permitting Almaty to take discovery for use in 28 criminal proceedings pending in the Republic of Kazakhstan against Viktor Khrapunov, Leila Khrapunova, Iliyas Khrapunov, and Elvira Kudryashova (the "Application"). Almaty seeks an order granting the undersigned leave to serve the following subpoenas (the "Proposed Subpoenas"):

A. the subpoena attached hereto as **Exhibit A** directing Citibank to produce the documents specified therein;

B. the subpoena attached hereto as **Exhibit B** directing JP Morgan Chase Bank to produce the documents specified therein;

C. the subpoena attached hereto as **Exhibit C** directing City National Bank to produce the documents specified therein;

D. the subpoena attached hereto as **Exhibit D** directing Bank of America to produce the documents specified therein;

E. the subpoena attached hereto as **Exhibit E** directing Wells Fargo Bank to produce the documents specified therein;

F. the subpoena attached hereto as **Exhibit F** directing Soho 3023 LLC to produce the documents specified therein;

G. the subpoena attached hereto as **Exhibit G** directing Soho 3023 LLC to designate one or more officers, directors, managing agents, or other persons to provide deposition testimony on the matters specified therein;

H. the subpoena attached hereto as **Exhibit H** directing Soho 3311 LLC to produce the documents specified therein;

I. the subpoena attached hereto as **Exhibit I** directing Soho 3311 LLC to designate one or more officers, directors, managing agents, or other persons to provide deposition testimony on the matters specified therein;

J. the subpoena attached hereto as **Exhibit J** directing Soho 3310 LLC to produce the documents specified therein; and

K. the subpoena attached hereto as **Exhibit K** directing Soho 3310 LLC to designate one or more officers, directors, managing agents, or other persons to provide deposition testimony on the matters specified therein.

For the reasons set forth in the concurrently-filed Memorandum of Law, this Application meets each of Section 1782's statutory requirements: (1) All of the entities from which Almaty seeks discovery reside in this District; (2) the discovery is sought for use in multiple foreign proceedings; and (3) Almaty has broad participation rights in those foreign proceedings. This Application also satisfies each of the discretionary factors the Court may consider: (a) None of the subpoena targets is within the jurisdiction of the Kazakh tribunal; (b) this Court's assistance will not offend the Kazakh tribunal; (c) Almaty is not circumventing Kazakh proof-gathering restrictions or any other Kazakh policy; and (d) the proposed subpoenas are not unduly intrusive or burdensome.

This Application is further supported by the concurrently-filed (1) Memorandum of Law and (3) Declaration of Julie R. F. Gerchik, including the exhibits and Declaration of Bauryzhan Darmanbekov attached thereto.

WHEREFORE, Almaty respectfully requests entry of an order granting the Application and authorizing Almaty to serve the Proposed Subpoenas.

Dated: March 15, 2016

Respectfully submitted,

LATHAM & WATKINS LLP

By ______________________

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